

REMARKS

Applicants respectfully request the Examiner to enter the above amendments, and to reconsider and withdraw the rejection in view of the following remarks and amendments.

Status of Claims

Claims 1 to 27 will be pending after entry of the present amendment. Claims 15 to 26 have been withdrawn from consideration, and Claims 1 to 14 are being amended. Claims 1 to 14 and 27 have been rejected under Section 112, second paragraph.

Amendment

Claims 1, 2, 4, and 6 are being amended to change the capital letter "D" of each occurrence of "Diazabenz..." to a small letter "d."

Claim 2 has been amended to remove ", above,".

Claims 3, 5 to 9, and 11 to 14 have been amended to change "A process" to "The process."

Claims 7 to 8 have been amended so that R₁ through R₅ are as described in Claim 6 (instead of Claim 1).

Claims 9, 11, 12, 13 and 14 have been amended to delete the variable "R".

Claim 10 is being amended for editorial reasons unrelated to patentability to insert "consisting" so that the listed acids are preceded by traditional Markush group introductory language.

No new matter is added by the amendments to the claims and these amendments do not change the scope of the claims as originally presented.

Restriction Requirement

Applicants acknowledge that the restriction requirement has been made final, but wish to clarify that the compound formula of Claim 23 is *included* (rather than *required* in Claim 1) in the acylated compound formula shown in step a) of Claim 1, since the leaving group "L" in Claim 1 encompasses X in Claim 23. Similarly, the compound formula of Claim 15 is included in the 5-halo-cyclopenta[b]indole compound formula shown in step ii) of Claim 27 since the "halo" substituent in Claim 27 encompasses the Br substituent in Claim 15.

Response to Rejection Under Section 112, second paragraph

Claims 1 to 14 and 27 have been rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Particularly, the Office Action has noted the following:

Claims 1, 2, 4, and 6 are vague and indefinite for having certain letters capitalized in the names of the compounds recited therein.

Claim 2 is vague and indefinite for the phrase "Claim 1, above".

Claims 3, 5 to 9 and 11 to 14 are vague and indefinite for the phrase "A process" in the claim preamble.

Claims 9, and 11 to 13 are vague and indefinite for including "R", when there is no mention of "R" in Claim 1.

Applicants respectfully submit that the pending claims fully comply with the requirements of Section 112, second paragraph. Moreover, the amendments being made to the claims do not alter the scope of the claims as originally presented in any manner, and one skilled in the art would have readily understood the scope of the claims as originally presented.

To facilitate prosecution, the following amendments are being made. Claims 1, 2, 4, and 6 are being amended to change the capital letter "D" of each occurrence of "Diazabenz..." to a small letter "d." Claim 2 has been amended to remove ", above,". Claims 3, 5 to 9, and 11 to 14 have been amended to change "A process" to "The process." Claims 9, 11, 12, 13 and 14 have been amended to delete the variable "R".

In view of the above remarks and amendments being made to Claims 1 to 14 and 27, Applicants respectfully request that the rejection under Section 112, second paragraph be withdrawn.

Objection to Claims 7 and 8

Claims 7 and 8 have been objected to under 37 C.F.R. §1.75(c) as being in improper form because a multiple dependent claim must be in the alternative. Applicants have amended Claims 7 and 8 so that the variables R₁ through R₅ are described as in Claim 6.

Serial No.: 10/016,229
Confirmation No.: 9006
Art Unit: 1624

AM100305

CONCLUSION

Applicants believe that the foregoing constitutes a complete and full response to the Office Action of record and request withdrawal of all outstanding rejections. Early and favorable notification of allowance of all pending claims is earnestly requested.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Kimberly R. Hild".

Kimberly R. Hild
Registration No. 39,224

Wyeth
Patent Law Department
Five Giralda Farms
Madison, NJ 07940
Tel. No.: (484) 865-8610